

*Guest Editorial*

## 40 Court rightly hit Grace in wallet

It's a process akin to getting blood out of a stone: extracting money from a company in the middle of bankruptcy proceedings.

But a judicial decision last week aims to do exactly that.

U.S. District Judge Donald Molloy of Missoula ordered W.R. Grace and Co. to repay the government \$54.5 million for cleanup efforts in asbestos-tainted areas of Libby.

According to the Justice Department, that's the largest judgment ordered after a trial in the history of the federal Superfund program.

The money would cover the extensive investigation, testing and cleanup work done by the Environmental Protection Agency in Libby.

Since asbestos problems were first brought to light in 1999 by the Inter Lake and other newspapers, asbestos has been found in more than 1,000 homes and businesses and in places ranging from city parks to school playgrounds.

The asbestos, a byproduct of the vermiculite that Grace mined near Libby for 27 years, has also sickened or killed hundreds of people.

The court-ordered money won't cover the burgeoning medical expenses of those exposed to asbestos over the years, and it won't alleviate the suffering of all those with asbestos-related disease.

But it will, at least, finally pin some responsibility on a company that has often been reluctant to acknowledge its role in making a small Montana community into a Superfund site.

And just because Grace is under bankruptcy protection (protection it sought because of the growing tangle of asbestos liability issues) doesn't mean it won't pay up.

After Molloy's ruling, Grace announced it would take a \$50 million third-quarter charge and warned investors it could be liable for a total of \$100 million.

Although the firm could still appeal the judge's verdict — and the bankruptcy court may discount the final money total — this is nonetheless a victory in the long-running battle to make a corporation accountable for poisoning a town.

There's an interesting sidelight to this case: Judge Molloy, you may remember, shut down most logging projects on the Kootenai National Forest earlier this year.

With the Grace ruling, one can see that the hand of justice can both give and take away.

— (Kalispell) Daily Inter Lake